

Docket No.: 64162-032

10/509513
Rec'd PCT/PTO 28 SEP 2004
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Gerald W. BOTH, et al.	:	Confirmation Number: Not yet assigned
Application No.: Not yet assigned	:	Group Art Unit: Not yet assigned
Filed: September 28, 2004	:	Examiner: Not yet assigned
For: A COMPOSITION AND METHOD FOR KILLING OF TUMOURS	:	

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner for Patents and Trademarks
Washington, D. C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached form PTO-1449. It is respectfully requested that the references be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed with the application and no certification or fee is required.

A copy of the foreign search report is attached for the Examiner's information. Please note this is a PCT application in the entry of the National Phase in the U.S. and copies of the references cited were transmitted by WIPO and are believed to be in the file of the above identified application and readily available to the Examiner. Therefore it is believed that Applicants have met all requirements regarding duty of disclosure under 37

Not yet assigned

10/509513

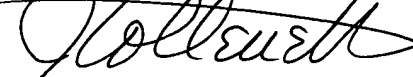
04 Rec'd PCT/PTO 28 SEP 2004

CFR 1.56. Acknowledgement and consideration of these documents are respectfully requested.

A copy of the foreign search report is attached for the Examiner's information. Please note this is a PCT application in the entry of the National Phase in the U.S. However, to ensure that these references are available to the Examiner, we are providing copies of these references herewith. Since the Search Report was from the U.S. JPO or EPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above identified application and readily available to the Examiner.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



Judith L. Toffenetti
Registration No. 39,048

600 13th Street, N.W.
Washington, DC 20005-3096
202.756.8000 JLT:gav
Facsimile: 202.756.8087
Date: September 28, 2004

INFORMATION DISCLOSURE CITATION IN AN APPLICATION (PTO-1449)				ATTY. DOCKET NO. 64162-032		SERIAL NO. Not yet assigned 107509513	
				APPLICANT Gerald W. BOTH, et al.			
				FILING DATE September 28, 2004		GROUP Not yet assigned	
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code2 (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		US	5,906,922	05/25/1999	Whittaker et al.		
		US	5,854,224	12/29/1998	Lockett et al		
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
		US					
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Codes-Number 4-Kind Codes (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear	Translation Yes No
		AU-A-27868/00 (WIPO # WO 00/52156)		09/21/2000	COMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION		X
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER'S INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					
		VOEKS, D., et al. "Gene therapy for prostate cancer delivered by ovine adenovirus and mediated by purine nucleoside phosphorylase and fludarabine in mouse models." Gene Therapy, Volume 9, pp. 759-768					
		LU, Yi, "Viral Based Gene Therapy for Prostate Cancer." Current Gene Therapy, Volume 1, pp 183-200					
		SECRIST, K., et al. "Gene Therapy of Cancer: Activation of Nucleoside Prodrugs with E. Coli Purine Nucleoside Phosphorylase." Nucleosides and Nucleotides, 18/4-5, pp. 745-757					
		ANDERSON, Leonard, M., et al. "Breast cancer-specific expression of the Candida albicans cytosine deaminase gene using a transcriptional targeting approach." Cancer Gene Therapy, 7/6, pp.845-852					
EXAMINER				DATE CONSIDERED			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.